

## **REMARKS**

### **I. Introduction**

With the addition of claims 31 to 33, claims 16 to 33 are pending in the present application. Reconsideration of the present application in view of this response is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority. Applicant also notes that the Office Action Summary indicates that none of the copies of the certified copies of the priority documents have been received from the International Bureau. However, at least the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," dated March 11, 2002 indicates that the United States Patent and Trademark Office has received a copy of a certified copy of the priority document from the International Bureau. Applicant therefore respectfully requests an acknowledgment that the copy of the certified copy of the priority document has been received in the next Office communication.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Title**

The title has been revised as suggested. Approval and entry are respectfully requested.

### **III. Allowable Subject Matter**

Applicant notes with appreciation the indication of allowable subject matter contained in claims 18 to 22, 26 and 27. In this regard, the Examiner will note that each of claims 18, 19 and 26 has been rewritten herein in independent form to include all of the limitations of its respective base claim and any intervening claims. Claims 21 and 22 depend from claim 18, claim 20 depends from claim 19, and claim 27 depends from claim 26. It is therefore respectfully submitted that claims 18 to 22, 26 and 27 are in condition for immediate allowance.

### **IV. Rejection of Claims 16, 17, 23, 24 and 30 under 35 U.S.C. § 102(b)**

Claims 16, 17, 23, 24 and 30 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,822,473 (“Magel”). It is respectfully submitted that claims 16, 17, 23, 24, and 30 are allowable for at least the following reasons.

Claim 16 relates to an optoelectronic sensor based on optodes, including a semiconductor substrate, a plurality of separate light-sensitive sensors arranged on the semiconductor substrate, a light emitter located in a center of the semiconductor substrate, and a transparent optode material covering the light emitter and the plurality of separate light-sensitive sensors. Claim 16 recites that the transparent optode material is reflective on a side that faces away from the semiconductor substrate.

In contrast to claim 16, Magel simply refers to an integrated microchip chemical sensor 10 including a GaAs LED 14 that emits light into a polyimide waveguide 48. (See Magel, col. 4, lines 55 to 56). It is respectfully submitted that the polyimide waveguide 48 is not disclosed as reflective on a side that faces away from a substrate 12 of the sensor 10. Instead, the polyimide waveguide 48 is disclosed as covered with a sensitive cladding material 50 followed by a protective layer 52. (See Magel, col. 3, lines 55 to 56). In this regard, the cladding material 50 is chemically sensitive and the protective layer 52 only prevents the environment from coming in contact with the chemically sensitive material 50. (See Magel, Abstract, col. 5, lines 28 to 34). It is therefore respectfully submitted that both layers 50 and 52 are not reflective. Hence, for at least these reasons Magel does not identically disclose a transparent optode material covering a light emitter and a plurality of separate light-sensitive sensors, which is reflective on a side that faces away from a semiconductor substrate on which the light emitter and the plurality of light-sensitive sensors are arranged, as recited in claim 16.

It is therefore respectfully submitted that the Magel reference does not anticipate claim 16 at least because Magel does not identically disclose all the limitations of claim 16. Accordingly, it is respectfully submitted that claim 16 is allowable for at least these reasons.

Claims 17, 23 and 24 as presented depend from claim 16 and are therefore allowable for at least the same reasons that claim 16 is allowable.

Claim 30 recites limitations analogous to claim 16 and is therefore allowable for essentially the same reasons that claim 16 is allowable.

Withdrawal of the rejection of claims 16, 17, 23, 24 and 30 under 35 U.S.C. § 102(b) is therefore respectfully requested.

V. **New Claims 31 to 33**

New claims 31 to 33 have been added herein. It is respectfully submitted that new claims 31 to 33 do not add any new matter and are fully supported by the present application, including the Specification. Claims 31 to 33 ultimately depend from claim 16 and are therefore allowable for at least the same reasons that claim 16 is allowable.

**CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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Dated: 20 July, 2004

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